

IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE DISTRICT OF DELAWARE

|                            |   |                        |
|----------------------------|---|------------------------|
| MARTIN DURANT,             | : |                        |
|                            | : |                        |
| Plaintiff,                 | : | C.A. NO. 04-1534 (KAJ) |
|                            | : |                        |
| v.                         | : |                        |
|                            | : | JURY TRIAL DEMANDED    |
| PERFECT CARE NURSES, INC., | : |                        |
|                            | : |                        |
| Defendant.                 | : |                        |

**PLAINTIFF'S RESPONSE TO DEFENDANT'S  
MOTION FOR PARTIAL SUMMARY JUDGMENT**

NOW COMES, Plaintiff, Martin Durant, by and through his counsel, and responds to Defendant's Motion for Partial Summary Judgment as follows:

1. Plaintiff does not oppose Defendant's motion for partial summary judgment.
2. Plaintiff does oppose Defendant's request for an award of all costs, expenses and any other relief that the Court deems appropriate. This matter could have been resolved by and between the parties without the Court's intervention, however the Defendant did not contact Plaintiff prior to the filing of this motion. Therefore, Plaintiff respectfully requests that the Court not award Defendant costs, expenses and any other relief regarding this instant motion for partial summary judgment.

MARGOLIS EDELSTEIN

  
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Dated: September 15, 2005